

PATENT

REMARKS**DISCUSSION OF SPECIFICATION**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. According to the Office Action, claim 25 has three separate means plus function recitations of structure which lack antecedent basis in the specification. An identification of the specific corresponding structure to which applicants consider to be covered by the "means plus function" claim language is required by the examiner. In response to the objection, the means plus function recitations of structure in claim 25 have been replaced with structural elements. As such, amendment to the specification is no longer required. Withdrawal of the objection is respectfully requested.

DISCUSSION OF CLAIMS

In the Office Action, claims 25-35 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In the Office Action, claims 15-24 are allowed.

In response thereto, claim 35 has been cancelled and claims 25-34 have been amended. Accordingly, claims 15-34 are now pending. Following is a discussion of the patentability of each of the pending claims.

Independent Claim 15 and Dependent Claims 16-24

Claims 15-24 are allowed over the prior art of record.

PATENT

Independent Claim 25

In response to the rejection of claim 25 under 35 U.S.C. §112, second paragraph, the means plus function clauses have been replaced with structural elements. In particular, the following amendments have been made:

line 3, "means for detecting" has been replaced with --sensing circuitry to detect--;

line 6, "means for implementing" has been replaced with --a controller coupled to the sensing circuitry, the controller to implement--; and

line 8, "means for delivering" has been replaced with --a pulse generator coupled to the controller, the pulse generator to deliver--.

Accordingly, it is respectfully submitted that claim 25 is in condition for allowance.

Dependent Claims 26-34

In response to the rejection of claims 26-35 under 35 U.S.C. §112, second paragraph, the means plus function clauses have been replaced with structural elements. In particular, the following amendments have been made:

claim 26, line 2, "further comprising means for setting a refractory period that follows the detected cardiac event" has been replaced with --wherein the controller comprises a timing control circuitry coupled to the sensing circuitry, the timing control circuitry to trigger an onset of the non-invasive programmed stimulation based on the detected cardiac event occurring in the cardiac chamber being tested--;

claim 26, line 4, "implementing means" has been replaced with --controller--;

claim 27, lines 1-2, "further comprising means for switching" has been replaced with --wherein the electrophysiological testing scheme comprises a transfer--;

claim 28, lines 1-2, "further including means for detecting cardiac events in the chamber being tested; and" and line 3, "detecting means senses" have been replaced with --sensing circuitry detects--;

claim 29, lines 1-2, "further comprising means for setting" has been replaced with --wherein the timing control circuitry further sets--;

PATENT

claim 30, lines 1-2, "further comprising means for starting" has been replaced with – wherein the timing control circuitry is operative to start–;

claim 31, lines 1-2, "further comprising means for effecting" has been replaced with –wherein the controller further effects–;

claim 32, lines 1-2, "delivering means" has been replaced with –pulse generator–;

claim 33, lines 1-2, "delivering means" has been replaced with –pulse generator–; and

claim 34, lines 1-2, "further including means for effecting" has been replaced with – wherein the controller further effects–.

Accordingly, it is respectfully submitted that these claims are in condition for allowance.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

3/8/04
Date

Ronald S. Tamura
Ronald S. Tamura, Reg. No. 43,179
Patent Attorney for Applicant

Pacesetter, Inc.
15900 Valley View Court
Sylmar, CA 91392-9221
818/493-3157
818/362-4795 (fax)